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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,531	03/06/2001	Mary J. Homberger	10002552-1	4150

7590 02/27/2003
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

KIM, PAUL L

ART UNIT PAPER NUMBER

2857

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,531

Applicant(s)

HORNBERGER ET AL.

Examiner

Paul L Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-15, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ishikawa et al in view of Silva et al.

With regard to amended claims 1, 3, 10, 13, and 14, Ishikawa et al teaches a system for remote testing of computers comprising: a network accessible site for providing input for a product under test by a network (fig. 1 & col. 14, lines 46-51), a processing system for receiving inputs and presenting the input to the product under test as if the input came from an input device connected directly to the product under test (fig. 1, part 5), and a controller that initiates hardware commands to the product under test not covered in software control (col. 3, lines 66+ and col. 8, lines 21-30).

Ishikawa et al teaches the computer testing apparatus being network accessible, but does not teach a *plurality* of users connected to the network. Silva et al teaches a distributed testing system in which plurality of client testing machines communicate test result information to a host computer on a network (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention, to modify Ishikawa et al, to have a plurality of users connected

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to the network, as taught by Silva et al, so as to test an entire network of computers on one testing system.

With regard to claim 2, Ishikawa et al teaches a software process running on the product under test (col. 7, lines 13-21).

With regard to claim 5, Ishikawa et al teaches the input being in the form of a script (col. 2, lines 22-25).

With regard to claim 7, Ishikawa et al teaches a signal processor that intercepts display information from the product under test (col. 4, lines 60-68 and fig. 5, part 7).

With regard to claims 8, 9, and 17, Ishikawa et al teaches a device configuration obtained from a user being used to configure or select a product under test (col. 6, lines 60+).

With regard to claims 11 and 15, Ishikawa et al teaches the processing system being separate from the product(s) under test (fig. 1, part 7).

With regard to claims 12 and 22, Ishikawa et al teaches a system for remote testing of computers comprising: a network accessible site for providing input for a product under test by a network (col. 3, lines 39-45), a processing system for receiving inputs and presenting the input to the product under test (fig. 1, part 5), and a switch function that allows disconnection to the processing system (fig. 8, part 107 and col. 8, lines 54-58).

3. Claims 4, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al in view of Neil.

With regard to claims 4, 18, 19, and 20, Ishikawa et al teaches a system and method for remote testing of computers comprising: a network accessible site for providing input for a product under test by a network (fig. 1), forwarding the input for the product under test to a processing system and presenting the input to the product under test (fig. 1, part 5), and obtaining display information from the product under test (fig. 5, part 7).

Ishikawa, however, does not teach using a web camera to obtain display information. Neil teaches that the use of a web camera to obtain images is well known in the art (col. 2, lines 22-38). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ishikawa et al so that the well known web camera is used to obtain display information, as taught by Neil, in order to inform users or customers the current situation of the products under test.

4. Claims 6, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al in view of Cromer et al.

With regard to claims 6, 16, and 21, Ishikawa et al teaches a database for storing information but does not teach a database that stores images of hard disk configuration. Cromer et al teaches that a main computer storing hard drive configuration images for client systems are well known in the art (col. 7, lines 24+). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ishikawa et al so that hard drive configurations are stored

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on a main computer, as taught by Cromer et al, so as to be able to test different software setups for a variety of computers.

Response to Arguments

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

With regard to arguments on page 7, while Neil admits that web cams have disadvantages, Neil does teach that web cams are well known in the art and can be used for a variety of purposes.

With regard to arguments on page 8, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is

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assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
February 23, 2003

